

Appl. No. : **10/714,368**
Filed : **November 14, 2003**

AMENDMENTS TO THE DRAWINGS

Substitute drawing sheets for Figures 1, 3B and 3C are submitted herewith. Figure 1 has been amended to identify the axis 401 corresponding to that axis in Figure 2. Figure 3B has been amended to illustrate distances D1 and D2, while Figure 3C has been amended to illustrate the distances D1' and D2'.

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REMARKS

The specific changes to the specification and the amended claims are shown in the above section entitled AMENDMENTS TO THE CLAIMS and AMENDMENTS TO THE SPECIFICATION. On this set of pages, the insertions are underlined while the ~~deletions are stricken through~~.

Claims 71-80 have been canceled by this paper, without prejudice to their being included in a subsequent application. Also, previously withdrawn claims 22-34 and 57-70 have been cancelled by this paper, without prejudice to their subsequent inclusion in a divisional or continuing application. Claims 1-21 and 35-56 remain unchanged by this amendment.

In the Office Action mailed February 8, 2006, the Examiner objected to the abstract of the disclosure because it exceeds the 150 word limit. By this paper, the Applicant has amended the abstract to bring it into compliance with this limit. Accordingly, Applicant respectfully requests that the Examiner withdraw this objection to the abstract.

In the Office Action, the Examiner also provided suggestions as to the arrangement of the Specification. Applicant expresses appreciation to the Examiner for identifying this suggested layout but submits that the presently pending layout falls within the requirements of the rules, and thus requests that the application proceed in its present form.

In the Office Action, the disclosure was objected to because of several informalities which were specifically identified by the Examiner. In response, the Specification has been amended by this paper to incorporate the changes recommended by the Examiner. Accordingly, Applicant respectfully submits that the Specification has been appropriately corrected and, accordingly, requests that the objection to the disclosure be withdrawn.

In the Office Action, the drawings were objected to as failing to comply with 37 C.F.R. § 1.84(p)(5) because reference signs mentioned in the description were not included. These specifically included the bend arm 404 in Figures 1 and 2, Distances D1 and D2 in Figures 3B and Distances D1' and D2' in Figure 3C. The drawings were also objected to as failing to comply with 37 C.F.R. § 1.84(p)(5) because they include the following reference character not mentioned in the description: 410. However, Applicant notes that reference character 410 which is shown in at least Figures 1, 2, 4, 5, 6A, 7-12A, 13 and 14 comprises a "bend arm 410" as described in the Specification at paragraph 47, lines 5-8 and paragraph 48, line 5, for example.

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This bend arm 410 also corresponds to the bend arm referred to with reference to Figures 1 and 2. Applicant has identified several occurrences of “bend arm 404” which correspond to “bend arm 410” illustrated in Figures 1 and 2. For example, in paragraph 33, lines 3-5, the specification states that:

Figure 1 shows a tube bending machine 100 having a bend arm 404 configured with a clamping assembly 400, as will be further discussed below with reference to Figures 4 through 15. (Emphasis added)

Figure 1, as well as Figures 2 and 4-15 all show a bend arm “410”. Further, the element 404 is referred to in paragraph 47, line 4 as “a peg 404 ...”. Accordingly, Applicant has amended those portions of the specification referring to the “bend arm 404” to correctly recite “bend arm 410”. Accordingly, Applicant has not added “bend arm 404” in the drawings nor removed “410” therefrom. However, Figure 3B has been amended to illustrate distances D1 and D2 and Figure 3C has been amended to illustrate distances D1’ and D2’. Figure 1 has also been amended to illustrate the axes 401 of the bend die 338 as mentioned at paragraph 34, line 5 and illustrated in Figure 2. Since these changes to the drawings and specification are fully supported by the disclosure, Applicant submits that no new matter is added by this amendment.

In view of the above, Applicant respectfully submits that the drawings, as presented herein, now comply with 37 C.F.R. § 1.84(p)(5), and requests withdrawal of the objection to the drawings.

In the Office Action, Claim 71 was rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the enablement requirement. In addition, Claim 71 was rejected under 35 U.S.C. § 112, second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention.

Although Applicant disagrees with the basis for the rejection of Claim 71, Applicant has canceled this claim along with Claims 72-80 which depend therefrom in order to advance the prosecution of this application and place it in condition for allowance. Accordingly, Applicant respectfully reserves the right to present Claims 71-80, or claims similar thereto, in a related patent application. In view of the above, Applicant submits that rejection of Claim 71, as well as the apparent rejection of Claims 72-80 is now moot.

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Applicant expresses, with appreciation, the indication by the Examiner of the allowability of Claims 1-21 and 35-56. As these claims remain unchanged by this amendment, Applicant submits that they continue to be in condition for allowance.

In view of the foregoing, Applicant respectfully submits that the various objections and rejections presented in the Office Action dated February 8, 2006, have been addressed and overcome and that Claims 1-21 and 35-56 continue to define subject matter that is patentable over the art of record. Accordingly, Applicant respectfully submits that the application is in condition for allowance and such allowance of the same is requested.

CONCLUSION

The Applicant has endeavored to address all of the concerns of the Examiner in view of the recent Office Action directed to the above-identified application. Accordingly, amendments to the claims, the reasons therefor and arguments in support of the patentability of the pending claims are presented above.

Any claim amendments which are not specifically discussed in the above remarks are not made for patentability purposes, and it is believed that the claims would satisfy the statutory requirements for patentability without the entry of such amendments. Rather, these amendments have only been made to increase claim readability, to improve grammar, and to reduce the time and effort required of those in the art to clearly understand the scope of the claim language. Any new claims presented above are of course intended to avoid the prior art, but are not intended as replacements or substitutes for any cancelled claims. They are simply additional specific statements of inventive concepts described in the application as originally filed.

In light of the above amendments and remarks, reconsideration and withdrawal of the outstanding rejections is specifically requested. If the Examiner finds any remaining impediment to the prompt allowance of these claims that could be clarified with a telephone conference, the Examiner is respectfully requested to initiate the same with the undersigned.


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Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

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